

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-4, 6, 8, 9 and 14-36 are pending in this application. Claims 1 and 17 are amended. No claims are cancelled by this response.

Entry of Amendment under 37 C.F.R. § 1.116

Claim 1 is amended to address the 35 U.S.C. § 101 rejection and thus, reduces issues for appeal. Further, the amendment to claim 1 does not raise new issues requiring further search and/or consideration. Still further, Applicants note that claim 17 is merely amended to clarify the claim. In particular, the features of the reading step are now listed in the claim above the features of the reproducing step instead of being listed in the claim below the reproducing step. As such, the amendment to claim 17 does not raise new issues requiring further search and/or consideration.

Therefore, Applicants respectfully request the Examiner enter this Amendment under 37 C.F.R. § 1.116 on the record.

Claim Rejections under 35 U.S.C. § 102

Claims 1-4, 6, 8-9 and 14-36 stand rejected under 35 U.S.C. § 102(e) as anticipated by Okada (U.S. Pub. No. 2002/0046328). Applicants respectfully traverse this rejection as detailed below.

As indicated in the previous response, Applicants respectfully submit that Okada at least fails to disclose, teach or suggest the features of the navigation area recited in independent claim 1 and the similar features recited in each of independent claims 16-20. Below, Applicants

provide a detailed analysis distinguishing cited portions of Okada and the features of the navigation area of claim 1.

Initially, Applicants assert that the table 120 for the management of a stream shown in FIG. 41, the table 130 for management of an empty zone shown in FIG. 42 and the list 150 shown in FIG. 44 are all stored in the memory 150 and thus, are not included in a recording medium as required by claim 1. This is supported at least by paragraph 351 of Okada, which recites the following.

FIG. 44 shows an example in which the tables 120 and 130 shown in FIGS. 41 and 42 are installed in memory 150. The memory 150 comprises an initialized area 151 at addresses 0 through 17 and an extension area 152 at and after address 18. The initialized area 151 stores the tables 120 and 130. The extension area 152 stores an additional list of the Stream (i) (i=1 through 5). (Emphasis Added)

Accordingly, Applicants respectfully submit that these features of Okada should not be used to anticipate a navigation area included on a recording medium. However, even if the Examiner asserts the tables 120, 130 and 150 could be included on a recording medium, the remarks below are still believed to overcome the rejections included on page 3 of the Office Action.

Navigation List and Navigation Data Items

Claim 1 recites “a navigation area storing at least one navigation list, the at least one navigation list including one or more navigation data items and controlling a reproduction order of the one or more navigation items.” Regarding this feature of claim 1, the Examiner asserts the following:

a navigation area storing at least one navigation list (Fig. 44 shows the state transition of the list storing the stream management/navigation table and empty zone management/navigation table), the at least one navigation list including one or more navigation items (fig. 42 shows an example of the configuration of a table 130 for management of an empty area of each zone on the disk 110. Each zone

contains information indicating an empty area in each zone and information indicating a full area to which data has been recorded. See paragraph 0314). (Emphasis Added)

Applicants are somewhat confused by this rejection because the first italicized portion of the above-quoted text appears to indicate the Examiner is asserting the list 150 illustrated in FIG. 44 corresponds to the at least one navigation list of claim 1 and the tables 120 of FIG. 41 and 130 of FIG. 42 correspond to navigation data items of claim 1. However, the second italicized portion of the above-quoted text appears to indicate that the “information indicating an empty area in each zone and the information indicating a full area to which data has been recorded” described in paragraph 314 corresponds to the navigation data items.”

Therefore, should the Examiner choose to maintain this rejection Applicants respectfully request the Examiner’s position be further clarified in another Office Action, so Applicants have a full and fair opportunity to respond this rejection and further develop the issues prior to Appeal.

Map and files

Claim 1 further recites “at least one navigation data item referencing more than one map, each map being associated with one of the files and providing position data for the video data of the associated file.” As stated in paragraph [0035] of the Applicants’ specification regarding an example embodiment, “[t]he PTMAP, used for stream search, has collection of position data or position-related time length data for every data unit constituting a recorded data stream.”

Regarding the above feature of claim 1, the Examiner asserts the following:

At least one navigation item referencing more than one map (data are recorded in zones 1 and 6 simultaneously through channel 2 and channel 1. See paragraph 0296. If it is an instruction to record data through two channels, then data is alternately recorded in an inner zone through one channel and in an outer zone through the other channel. See paragraph 0303), each map being associated with one of the files and providing, position data for the video data of the associated

file (the table 120 comprises *m streams 1-m*. *The stream i refers to the information about the stream data of i channel(s)*. *Each stream has a data structure and the amount of data recorded at serial address is linked in a list structure*. See paragraph 0313). (Emphasis added)

As such, the Examiner appears to assert that the zones anticipate the “maps” of claim 1 and the streams anticipate the “files” of claim 1.

However, Applicants respectfully note that the zones described in paragraphs 0296 and 0303 of illustrated in FIG. 36 are merely physical areas on a disk for storing data. As such, the zones do not provide position data of an associated file. Instead, the zones are simply the physical location on the disk where data may be stored. Accordingly, the zones described in Okada do not provide position data for the video data of an associated file. The zone in which a stream is stored provides no information about the stream stored in the zone.

Therefore, Okada at least fails to disclose, teach or suggest “at least one navigation data item referencing more than one map, each map being associated with one of the files and providing position data for the video data of the associated file,” as recited in claim 1 and the similar features in each of independent claims recited in each of independent claims 16-20.

In light of the above, Applicants respectfully request that the rejections of independent claims 1 and 16-20, as well as claims 3-4, 6, 8-9, 14-15 and 21-36, under 35 U.S.C. §103 be withdrawn.

Claim Rejections under 35 U.S.C. § 101

Claims 1-15 stand rejected under 35 U.S.C. § 101 because the claims are directed to a recording medium storing nonfunctional descriptive material. Applicants respectfully traverse this rejection as detailed below.

Amended claim 1 recites a “computer-readable recording medium”. Accordingly, Applicants respectfully that this minor amendment to claim 1 indicates the recording medium cannot be, “for example paper” as indicated in the Examiner’s response to the arguments regarding this rejection submitted in the previous Amendment filed December 8, 2006.

Therefore, Applicants respectfully request that the rejection to claims 1-15 under 35 U.S.C. § 101 be withdrawn.

Provisional Double Patenting Rejections

Claims 1-4 and 14-19 stand *provisionally* rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-4 and 14-19 of copending Application No. 10/810,823. Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and the claims in pending Application No. 10/810,823 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

Request for Interview

Lastly, Applicants respectfully request that if the Examiner deems this Amendment does not overcome the rejections based on Okada, the Examiner contact the Applicants’ Representative to discuss the application so that a telephone or personal interview can be scheduled and conducted while both the Okada reference and the claims are fresh in the mind of the Examiner.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims pending in this application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott A. Elchert at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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